

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(NEWPORT NEWS DIVISION)**

MELINDA SMITH,

Plaintiff,

v.

ATLAS NORTH AMERICA, LLC,

Defendant.

Case No. 4:23-cv-00095-AWA-RJK

ATLAS NORTH AMERICA, LLC'S INITIAL DISCLOSURES

Defendant, Atlas North America, LLC ("Atlas"), by and through undersigned counsel, pursuant to the Federal Rule of Civil Procedure 26(f) conference held by the Parties on May 22, 2024, Atlas respectfully states for its Rule 26 initial disclosures:

Preliminary Statement

Atlas makes these initial Federal Rule of Civil Procedure 26(a) disclosures based on information reasonably available to it at this time. Further investigation, discovery and developments in this case may result in the need to identify additional individuals and/or documents. In accordance with Rule 26(e), Atlas will supplement its disclosures as it identifies individuals with discoverable information it may use to support its claims.

Rule 26(a)(1)(A)(i) disclosures:

Atlas has identified the following persons who may have knowledge concerning the claims and defenses made in this litigation:

| <u>Name</u> | <u>Address</u> | <u>Information</u> |
|--------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Martin Wilcox | To be contacted through counsel. | Principal Research Engineer, Atlas North America. Has information related to the negotiations/agreements/scope/terms |

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| | | <p>of the non-disclosure agreement between the parties including what, if any information was designated as confidential and subject to the agreement.</p> <p>Communications/negotiations with Plaintiff concerning her requested patent and alleged invention subject of the litigation. All other documents and other information exchanged between the parties concerning Plaintiff's alleged invention and the non-disclosure agreement. All applications filed with the US Patent and Trademark Office for the patent and/or alleged invention subject of this litigation. The reasons for Atlas's decision not to pursue the patent.</p> <p>Communications with third parties including Carnival Cruise Line concerning the alleged invention subject of the litigation.</p> |
| Rob Harmer | Last known contact information is: harmerro@gmail.com | Former Head of Intellectual Property of thyssenkrupp. Has information related to all applications filed with the US Patent and Trademark Office for the patent and/or alleged invention subject of this litigation. The reasons for Atlas's decision not to pursue the patent. Whether any information between the parties was designated as confidential and subject to the non-disclosure agreement. All other documents and other information exchanged between the parties concerning Plaintiff's alleged invention. |
| Adrian Culbreath | To be contacted through counsel. | VP of Business Operations of Atlas North America, LLC. Has information related to communications about the terms/conditions and scope of the non-disclosure agreement entered into by the parties including what if |

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|--------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | any information was designated as confidential and subject to the agreement. |
| Eric Evans | Eevans@carnival.com | Has information as to why Carnival Cruise Line did not invest and/or continue its discussions regarding Plaintiff's alleged invention. |
| Sergio Diehl | To be contacted through Counsel | President and CEO of Atlas, North America. In April 2019 met with Eric Evans regarding the proposed invention/patent subject of the litigation. Has information related to decision not to pursue the patent subject of the litigation. |

Rule 26(a)(1)(A)(ii) disclosures:

All relevant documents responsive to document requests and otherwise required by the rules will be produced except for documents withheld from disclosure based on the attorney-client privilege and/or the attorney work-product doctrine. Subject to Atlas's continuing investigation, the right to identify additional information, Atlas has in its possession, custody or control the following categories of documents and things, all of which are located at Atlas's offices in Yorktown, Virginia:

1. Communications between the Parties concerning the subject matter of this litigation.
2. Agreements signed by the Parties.
3. Documents exchanged concerning the negotiations between the parties for the non-disclosure agreement.
4. Documents exchanged between the parties which were designated as confidential by Plaintiff
5. Documents exchanged between the parties which did not contain any designations.
6. Documents exchanged concerning Plaintiff's alleged invention.

7. Documents concerning the patent filing subject of this litigation.
8. Communications concerning Atlas's decision not to pursue a patent subject of this litigation.
9. Copies of all other documents provided by the Parties to one another regarding the subject matter of this litigation.

Rule 26(a)(1)(A)(iii) disclosures:

At this stage of the litigation, Atlas has identified the following damages:

1. Reasonable attorney's fees, costs, interest and expenses.

Rule 26(a)(1)(A)(iv) disclosures:

Atlas filed a claim for coverage for its policy with HDI Global Insurance company, however the claim was denied. The declaration page for the policy is available for production upon request. The policy/claim information is:

Claim Number: 01-137-02195-23-7

Claim Handler: Ryan Taylor

Insured: ThyssenKrupp NA US Holdings

Claimant: Smith, Melinda

DOL: 10/09/2020

HDI Global Insurance Company

Email: Ryan.Taylor@us.hdi.global

Phone Number: 312-589-6540

ATLAS NORTH AMERICA, LLC

By: DUNLAP BENNETT & LUDWIG PLLC

/s/David Ludwig

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2024, a true copy of the foregoing was served on all counsel of record via email:

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